

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**In re**

**Vicky Rodríguez Torres**  
Debtor

**Bankruptcy Case 09-10864 (BKT)**

**CHAPTER 7**

**Vicky Rodríguez Torres**  
Plaintiff

v.

**Enid López-López, Guillermo Camba-Casas,  
Mariela Rexach Rexach, Government  
Development Bank of P.R., et als.**  
Defendants

**Adversary Proc. 10-00137 (BKT-7)**

**18 U.S.C. §1030  
18 U.S.C. §2510  
18 U.S.C. §2701  
42 U.S.C. §1983  
42 U.S.C. §1985  
42 U.S.C. 1988  
TORTS**

**MOTION FOR EXPENSES AND ATTORNEY'S FEES**

**TO THE HONORABLE COURT:**

COME NOW defendants the Government Development Bank (“GDB” or “the Bank”), Guillermo Camba Casas (“Camba”), Enid López López (“López”) and Mariela Rexach Rexach (“Rexach”) (collectively referred as to “defendants”), through the undersigned counsel and respectfully, state, allege and pray as follows:

1. On January 30, 2011 this Honorable Court issued an Opinion and Order granting defendant's motion to dismiss and ordering plaintiff to pay defendants' fees and expenses. To such effects, the Court ordered defendants to file a motion setting forth the fees and expenses incurred in defending this adversary proceeding. See Dkt. 66.
2. In compliance with the Court's order, Defendants hereby submit the attorneys' fees and expenses incurred in relation to the instant adversary proceeding.

**A. ATTORNEYS' FEES**

	<u>Date</u>	<u>Description</u>	<u>Time</u> (h/m)	<u>Rate</u>	<u>Total</u> (Time * Rate)
1	8/9/10	Review adversary proceeding filed by plaintiff against the GDB, Guillermo Camba and Enid López; telephone conference with Sonia Colón regarding same and strategy to follow; brief research in connection to Bankruptcy Court's jurisdiction to entertain same.	1.50	\$153.00 (MRX)	\$229.50
2	8/9/10	Review adversary proceeding filed by Vicky Rodríguez against the GDB, Guillermo Camba and Enid López; analysis and evaluation of issues present and of immediate strategy in response.	1.00	\$161.50 (REA)	\$161.50
3	8/9/10	Review complaint filed by Vicky Rodríguez. Conduct research re same.	0.70	\$150.00 (SC)	\$105.00
4	8/11/10	Research on core proceeding.	4.00	\$150.00 (SC)	\$600.00
5	8/12/10	Conference with Mariela Rexach, Sonia Colón, and Chapter 7 trustee's attorney, René Arrillaga regarding status of Vicky Rodríguez cases and possibility of settlement. Conduct research and analysis regarding Bankruptcy Court's jurisdiction to consider matters unrelated to bankruptcy proceedings. Conference call with Jorge Rivera and Guillermo Camba regarding recent adversary proceeding filed by Vicky Rodríguez against Mariela Rexach, Guillermo Camba and others. Evaluate strategy to follow. Conference with Mariela Rexach regarding same.	3.50	\$102.00 (ACG)	\$357.00
6	8/12/10	Meeting with Andrés C. Gorbea regarding strategy to follow in connection to plaintiff's Notice of Removal and new Adversary Complaint; various telephone conferences with Sonia Colón regarding same; evaluate strategy to follow regarding motion to dismiss; telephone conference with Guillermo Camba and Jorge Rivera regarding same.	3.50	\$153.00 (MRX)	\$535.50
7	8/13/10	Research on core proceeding.	0.70	\$150.00 (SC)	\$105.00
8	8/13/10	Research issue of debtor's lack of standing to file adversary proceeding.	1.75	\$102.00 (ACG)	\$178.50
9	8/16/10	Further conduct research on standing and core proceedings and prepare outline re same.	2.30	\$150.00 (SC)	\$345.00

	<u>Date</u>	<u>Description</u>	<u>Time (h/m)</u>	<u>Rate</u>	<u>Total (Time * Rate)</u>
10	8/17/10	Research differences between bankruptcy proceedings under Chapter 11 and Chapter 7; standard of Motion to Dismiss under Rule 12(b)(6) of the Fed.R.Civ.P. and its applicability to bankruptcy proceedings.	3.00	\$102.00 (ACG)	\$306.00
11	8/17/10	Evaluate strategy to follow regarding plaintiff's motion to convert case from Chapter 7 to Chapter 11; telephone conference with Sonia Colón regarding same.	1.50	\$153.00 (MRX)	\$229.50
12	8/17/10	Analysis and evaluation of issues present and consider strategy to follow in response to Vicky Rodríguez' motion to convert case from Chapter 7 to Chapter 11.	0.50	\$161.50 (REA)	\$80.75
13	8/17/10	Further review cases and prepare memo to M. Rexach. Review email from M. Rexach regarding motion. Review motion. Telephone conference with M. Rexach re same.	1.60	\$150.00 (SC)	\$240.00
14	8/17/10	Conduct research on whether there is an absolute right to convert a case from chapter 7 to chapter 11 under 706. Prepare draft of notice of intent to object. Prepare email to M. Rexach re same. Telephone conference with M. Rexach re same. Prepare e-mail of the case of <i>In re Griffin</i> , wherein the court imposed 9011 sanctions against a debtor who did not have standing as in the present case.	1.60	\$150.00 (SC)	\$240.00
15	8/18/10	Telephone conference with counsel Sonia Colón regarding strategy to follow in Adversary Complaint filed by Vicky Rodríguez; review and analyze Opposition to Motion to Convert Case filed by US Trustee.	1.25	\$102.00 (ACG)	\$127.50
16	8/18/10	Telephone conference with M. Rodríguez to discuss pending matters in case and regarding summons served on the GDB regarding plaintiff's adversary proceeding.	0.25	\$93.50 (EBB)	\$23.37
17	8/18/10	Review and revise Notice of Intent to oppose based on <u>Marrama v. Citizens Bank of Mass.</u> , 127 S.Ct. 1105 (2007). Telephone conference with M. Rexach re same. Telephone call to W. Lugo, J. Arteaga, and J. Díaz, attorney at the U.S. Trustee Office. Telephone call to M. Rexach re same. Prepare email to M. Rexach re same. Telephone conference with A. Gorbea re issues to be investigated. Review docket of adversary proceeding. Prepare motion for enlargement of time and schedule deadlines in calendar.	1.80	\$150.00 (SC)	\$270.00
18	8/19/10	Review motion filed by the U.S. Trustee's office objecting to conversion to chapter 11. Review emails and messages.	0.20	\$150.00 (SC)	\$30.00

	<u>Date</u>	<u>Description</u>	<u>Time</u> (h/m)	<u>Rate</u>	<u>Total</u> (Time * Rate)
19	8/20/10	Research regarding First Circuit decisions with respect to Chapter 7 trustee's exclusive standing to pursue debtor's causes of action in connection to Motion to Dismiss Adversary Proceeding.	2.00	\$102.00 (ACG)	\$204.00
20	8/23/10	Research regarding First Circuit decisions with respect to "non-core, but related to" jurisdiction of the bankruptcy court in connection to Motion to Dismiss Adversary Proceeding.	2.50	\$102.00 (ACG)	\$255.00
21	8/25/10	Telephone conference with counsel for U.S. Trustee and Sonia Colón regarding settlement.	1.00	\$153.00 (MRX)	\$153.00
22	8/25/10	Review and analyze adversary complaint. Research case law related to doctrine of collateral estoppel (issue preclusion) and debtor's lack of standing to pursue claims while under Chapter 7 in connection to Motion to Dismiss Adversary Proceeding.	3.75	\$102.00 (ACG)	\$382.50
23	8/26/10	Draft Motion to Dismiss Adversary Complaint including introduction and arguments related to debtor's lack of standing.	7.75	\$102.00 (ACG)	\$790.50
24	8/26/10	Review objection to debtor's motion to convert. Prepare informative motion regarding debtor's latest attempt to file another cause of action. Conduct research re same.	0.50	\$150.00 (SC)	\$75.00
25	8/27/10	Research regarding finality of interlocutory orders, and effect of different causes of action with respect to doctrine of collateral estoppel; draft Motion to Dismiss Adversary Proceeding including arguments related to collateral estoppel (issue preclusion)	5.50	\$102.00 (ACG)	\$561.00
26	8/30/10	Continue drafting Motion to Dismiss Adversary Complaint including arguments related to Plaintiff's failure to state a claim upon which relief may be granted; Research regarding causes of action under the Computer Fraud and Abuse Act, Wiretap Act, Electronic Communications Privacy Act and Stored Communications Act and the issues intended to be solved by Congress' enactment of these.	6.50	\$102.00 (ACG)	\$663.00
27	8/31/10	Draft Motion to Dismiss Adversary Proceeding including arguments related to bankruptcy court's lack of subject matter jurisdiction and conclusion.	8.00	\$102.00 (ACG)	\$816.00
28	8/31/10	Draft e-mail to counsel for U.S. Trustee regarding settlement.	0.50	\$153.00 (MRX)	\$76.50
29	9/1/10	Revise Motion to Dismiss Adversary Complaint	6.00	\$102.00 (ACG)	\$612.00

	<u>Date</u>	<u>Description</u>	<u>Time (h/m)</u>	<u>Rate</u>	<u>Total (Time * Rate)</u>
30	9/7/10	Conference with Mariela Rexach to discuss draft of Motion to Dismiss and other possible arguments to include in Motion; draft motion for extension of time to answer complaint, request dismissal and/or otherwise plead.	3.75	\$102.00 (ACG)	\$382.50
31	9/7/10	Revise draft of Motion to Dismiss Adversary Proceeding; conference with Andrés C. Gorbea regarding same and strategy to follow; telephone conference with María Rodríguez regarding service of process on Guillermo Camba and Enid López and compliance with Act 9 notice to Puerto Rico Department of Justice.	2.50	\$153.00 (MRX)	\$382.50
32	9/8/10	Attend meeting with M. Rexach to discuss status of case, motions and course of action to follow.	1.00	\$175.00 (SC)	\$175.00
33	9/8/10	Conference with Guillermo Camba and Jorge Rivera regarding settlement counter-offer; telephone conference with F. Colón, counsel for insurance company regarding same.	1.00	\$153.00 (MRX)	\$153.00
34	9/9/10	Further review motions and prepare same. Various conference calls with Mariela Rexach regarding strategy to follow.	0.70	\$175.00 (SC)	\$122.50
35	9/9/10	Draft e-mail to Chapter 7 trustee regarding rejection of settlement counter-offer; evaluate strategy to follow regarding motion to dismiss adversary proceeding in light of possible abandonment by Trustee; conference with Sonia Colón regarding same; revise motion for sanctions.	2.50	\$153.00 (MRX)	\$382.50
36	9/9/10	Telephone conference with Judge Tester's clerk regarding court notifications; research regarding elements of causes of action under Computer Fraud and Abuse Act and Wiretap Act; conference with Mariela Rexach and Sonia Colón regarding strategy to follow in view of trustee's decision to abandon all of debtor's causes of action.	5.00	\$102.00 (ACG)	\$510.00
37	9/9/10	Conference with Andrés C. Gorbea and Sonia Colón regarding impact of trustee's decision to abandon causes of action.	0.50	\$153.00 (MRX)	\$76.50
38	9/10/10	Review and analyze Motion for Sanctions against Debtor and/or her counsel; research regarding causes of action under Stored Communications Act, violation of civil rights under color of state law, obstruction of justice and attorney's fees.	2.00	\$102.00 (ACG)	\$204.00

	<u>Date</u>	<u>Description</u>	<u>Time (h/m)</u>	<u>Rate</u>	<u>Total (Time * Rate)</u>
39	9/10/10	Telephone conference with M. Rexach. Meeting with M. Rexach regarding strategy to follow.	0.60	\$175.00 (SC)	\$105.00
40	9/13/10	Review summons served on Enid López and conference with Andrés C. Gorbea regarding same.	0.50	\$153.00 (MRX)	\$76.50
41	9/13/10	Draft and revise Motion to Dismiss Adversary Proceeding	3.00	\$102.00 (ACG)	\$306.00
42	9/13/10	Further review and revise motion for sanctions, and exhibits thereto, and file the same. Coordinate service of motion through third party court authorized provider.	1.70	\$175.00 (SC)	\$297.50
43	9/14/10	Evaluate elements of cause of action for civil conspiracy, Wiretap Act, Stored Communications Act and Computer Fraud and Abuse Act and research regarding same; continue drafting Motion to Dismiss Adversary Proceeding; research regarding finality of adjudication and centrality of adjudication.	6.00	\$102.00 (ACG)	\$612.00
44	9/14/10	Conferences with Mariela Rexach regarding elements to establish civil conspiracy and spoliation of evidence under local statutes or case law; research regarding same.	2.75	\$85.00 (KGU)	\$233.75
45	9/14/10	Research in connection to Motion to Dismiss; draft same.	7.00	\$153.00 (MRX)	\$1,071.00
46	9/15/10	Conference with Mariela Rexach regarding intracorporate conspiracy doctrine; research under federal case law regarding same.	1.75	\$85.00 (KGU)	\$148.75
47	9/15/10	Research regarding identity of issues and actuality of litigation requirements of collateral estoppel doctrine, tort of spoliation of evidence and obstruction of justice under 42 U.S.C. 1985; continue drafting Motion to Dismiss Adversary Proceeding	8.00	\$102.00 (ACG)	\$816.00
48	9/16/10	Revise Motion to Dismiss Adversary Proceeding filed by Vicky Rodríguez against GDB; conference with Mariela Rexach regarding additional arguments to be included in Motion to Dismiss.	2.75	\$102.00 (ACG)	\$280.50
49	9/16/10	Research under federal case law regarding intracorporate conspiracy doctrine; draft memorandum regarding same.	0.75	\$85.00 (KGU)	\$63.75
50	9/16/10	Continue working on Motion to Dismiss.	7.00	\$153.00 (MRX)	\$1,071.00
51	9/17/10	Revise and edit Motion to Dismiss Adversary Proceeding filed by Vicky Rodríguez against GDB.	1.50	\$102.00 (ACG)	\$153.00

	<u>Date</u>	<u>Description</u>	<u>Time (h/m)</u>	<u>Rate</u>	<u>Total (Time * Rate)</u>
52	9/17/10	Continue working on Motion to Dismiss.	6.00	\$153.00 (MRX)	\$918.00
53	9/17/10	Review e-mail from A. Gorbea and schedule deadline.	0.10	\$175.00 (SC)	\$17.50
54	9/17/10	Review e-mail from M. Rexach regarding strategy to follow. Telephone call to M. Rexach.	0.10	\$175.00 (SC)	\$17.50
55	9/20/10	Scan and prepare exhibits in support of Motion to Dismiss Adversary Proceeding.	0.75	\$55.26 (RCR)	\$41.44
56	9/20/10	Identify and organize exhibits of Motion to Dismiss Adversary Proceeding; revise final draft of Motion to Dismiss Adversary Proceeding	2.50	\$102.00 (ACG)	\$255.00
57	9/20/10	Revise and finalize Motion to Dismiss.	3.00	\$153.00 (MRX)	\$459.00
58	9/20/10	Review Motion to Dismiss.	1.30	\$175.00 (SC)	\$227.50
59	9/20/10	Review Motion to Dismiss.	1.00	\$175.00 (SC)	\$175.00
60	9/21/10	Conference with Mariela Rexach regarding final details of Motion to Dismiss Adversary Proceeding filed by Vicky Rodríguez; revise final draft of Motion to Dismiss Adversary Proceeding and electronic filing of same.	1.25	\$102.00 (ACG)	\$127.50
61	9/21/10	Draft index of exhibits in support of Motion to Dismiss Adversary Proceeding.	0.50	\$55.26 (RCR)	\$27.63
62	9/21/10	Telephone conference with Sonia Colón regarding filing of Motion to Dismiss and strategy to follow regarding order to submit pretrial report in adversary proceedings; conference with Andrés C. Gorbea regarding filing of Motion to Dismiss.	0.75	\$153.00 (MRX)	\$114.75
63	9/21/10	Telephone conference with M. Rexach re revisions to motion to dismiss. Further review and revise motion to dismiss. Prepare e-mail to A. Gorbea re same. Prepare motion to convert pretrial hearing to a status hearing. Review case law.	1.80	\$175.00 (SC)	\$315.00
64	9/23/10	Conference with Mariela Rexach regarding proper service of summons to Enid López and Guillermo Camba (including conference call with Sonia Colón); discussed strategy to challenge service of summons; research case law regarding bankruptcy rules applicable to service of summons.	2.75	\$102.00 (ACG)	\$280.50

	<u>Date</u>	<u>Description</u>	<u>Time (h/m)</u>	<u>Rate</u>	<u>Total (Time * Rate)</u>
65	9/23/10	Telephone conference with Enid López regarding receipt of summons; review file in connection to same; evaluate strategy to follow regarding inconsistencies in plaintiff's representations regarding service of process and issue of pending authorization to proceed under Act 9.	2.00	\$153.00 (MRX)	\$306.00
66	9/24/10	Draft motion requesting to convert pre-trial scheduling conference into a hearing on motion to dismiss.	2.00	\$175.00 (SC)	\$350.00
67	9/27/10	Revise Motion for Mariela Rexach to Appear as Counsel under Model Rules of Professional Conduct; revise and file Motion for Conversion of Pretrial Scheduling Conference into Status Conference or Hearing on Defendant's Motion to Dismiss; research regarding legal representation to government officials under Act 9; draft motion for extension of time to answer complaint or otherwise plead to be filed by Enid López, pro se.	2.50	\$102.00 (ACG)	\$255.00
68	9/27/10	Revise and finalize motion for leave for Mariela Rexach to appear as counsel.	0.50	\$153.00 (MRX)	\$76.50
69	9/28/10	Review plaintiff's motion requesting entry of default judgment against Enid López and Guillermo Camba and evaluate strategy to follow regarding same; telephone conference with María Rodríguez regarding same.	1.00	\$153.00 (MRX)	\$153.00
70	9/28/10	Telephone conference with Enid López regarding pro se appearance to request enlargement of time to request Act 9 coverage from PR Department of Justice and file a responsive pleading; evaluate strategy to follow regarding outstanding summons and possibility of plaintiff requesting entry of default judgment.	1.00	\$153.00 (MRX)	\$153.00
71	9/28/10	Analyze plaintiff's motion for leave to file motion for default judgment filed and document entitled "Summons Service Executed"; analyze order granting term to respond to defendant's motion to dismiss; conference with Mariela Rexach regarding strategy to oppose request for default judgment; draft Enid López' opposition to plaintiff's motion for leave to file motion for default judgment and request for extension of time to file answer or to otherwise appear; research regarding Fed.R.Civ.P. 5(b)(3) and L.R.Civ.P. 5.1(c); draft Guillermo Camba's opposition to plaintiff's motion for leave to file motion for default judgment and request for extension of time to file answer or to otherwise appear.	4.00	\$102.00 (ACG)	\$408.00

	<u>Date</u>	<u>Description</u>	<u>Time (h/m)</u>	<u>Rate</u>	<u>Total (Time * Rate)</u>
72	9/28/10	Various telephone conferences with María Rodríguez regarding Enid López sworn statement and motion requesting extension of time to file answer to the complaint. Draft various emails to María Rodríguez concerning same. Coordinate filing of same.	1.00	\$93.50 (EBB)	\$93.50
73	9/28/10	Draft motion requesting to convert pre-trial scheduling conference into a hearing on motion to dismiss.	0.30	\$175.00 (SC)	\$52.50
74	9/29/10	Analyze motion to extend time for initial disclosures and discovery plan filed by Plaintiff; conference with Mariela Rexach regarding strategy to avoid Rule 26 disclosures; draft motion to hold rule 26 in abeyance until motion to dismiss is adjudicated.	2.50	\$102.00 (ACG)	\$255.00
75	9/29/10	Review plaintiff's motion regarding initial disclosures and discovery conference; evaluate strategy to follow in connection to requesting stay of Rule 26 proceedings in light of pending motion to dismiss; conference with Sonia Colón regarding same; brief research in connection to Court's discretion to enter stay orders; revise draft of motion to stay Rule 26 proceedings.	1.50	\$153.00 (MRX)	\$229.50
76	10/5/10	Evaluate strategy to follow regarding Court order denying request to exempt case for initial disclosure procedures in light of pending dispositive motion.	0.25	\$153.00 (MRX)	\$38.25
77	10/6/10	Consider strategy to follow regarding Rule 26(f) meeting.	0.50	\$127.50 (LCH)	\$63.75
78	10/6/10	Draft schedule of PreTrial and Rule 26 disclosures; conference with attorney William Meléndez regarding scheduling of Rule 26 conference; conference with Mariela Rexach regarding strategy for Rule 26 conference and initial disclosures.	1.25	\$102.00 (ACG)	\$127.50
79	10/6/10	Conference with Andrés C. Gorbea regarding strategy to follow regarding initial disclosures and discovery plan.	1.00	\$153.00 (MRX)	\$153.00
80	10/7/10	Draft Rule 26 Initial Disclosures.	0.75	\$102.00 (ACG)	\$76.50
81	10/7/10	Revise draft of initial disclosures and evaluate strategy to follow regarding same.	0.50	\$153.00 (MRX)	\$76.50
82	10/8/10	Telephone conference with Plaintiff's attorney, William Meléndez, regarding Rule 26 conference	0.25	\$102.00 (ACG)	\$25.50

	<u>Date</u>	<u>Description</u>	<u>Time (h/m)</u>	<u>Rate</u>	<u>Total (Time * Rate)</u>
83	10/8/10	Review court orders. Further prepare memo commenting on cases which were reviewed in support of summary judgment motion. Prepare and file notice of appearance. Various telephone conferences with A. Gorbea. Review draft of memorandum drafted by him. Further review case law and memorandum originally prepared when analyzing the issues and determining how to proceed in case. Prepare email to A. Gorbea re same. Telephone conference with A. Gorbea re differences in court holdings and analysis to be conducted.	3.50	\$175.00 (SC)	\$612.50
84	10/12/10	Revise Rule 26 disclosures to be notified to plaintiff.	0.25	\$127.50 (LCH)	\$31.88
85	10/13/10	Review correspondence sent by Plaintiff's counsel, William Melendez, regarding proposed discovery plan; conference with Mariela Rexach, Lourdes Hernández, and Sonia Colón regarding proposed discovery plan submitted by Plaintiff's attorney; Rule 26 conference.	4.75	\$102.00 (ACG)	\$484.50
86	10/13/10	Conference with Mariela Rexach, Andrés C. Gorbea and S. Colón regarding strategy to follow in connection with Rule 26(f) conference. Attend Rule 26(f) conference.	3.00	\$127.50 (LCH)	\$382.50
87	10/13/10	Review plaintiff's letter regarding proposed discovery plan; conference with Andrés C. Gorbea and Sonia Colón regarding same and strategy to follow; partial participation in conference call.	3.00	\$153.00 (MRX)	\$459.00
88	10/13/10	Prepare for and attend initial disclosures for conference call with adverse counsel. Further telephone conference with M. Rexach and A. Gorbea.	4.20	\$175.00 (SC)	\$735.00
89	10/14/10	Review Discovery Plan filed by Vicky Rodríguez re Adversary Proceeding 10-00137 BKT	0.30	\$175.00 (SC)	\$52.50
90	10/14/10	Review Plaintiff's Rule 26 initial disclosures and proposed discovery plan; draft letter to Plaintiff's counsel regarding deficiencies in disclosures; revise final draft of Co-Defendants' Rule 26 disclosures; research case-law regarding stay of discovery in light of insufficient pleadings and jurisdictional challenges. Conferences with Mariela Rexach and Lourdes Hernández regarding electronic discovery sought by Plaintiff and strategy to follow in light of deadline to file discovery plan. Revise case law regarding sanctions for failure to disclose.	4.75	\$102.00 (ACG)	\$484.50

	<u>Date</u>	<u>Description</u>	<u>Time (h/m)</u>	<u>Rate</u>	<u>Total (Time * Rate)</u>
91	10/14/10	Revise initial disclosures and evaluate strategy to follow regarding same; conference with Andrés C. Gorbea regarding various motions to be filed with the Court regarding stay of discovery; review plaintiff's initial disclosures.	2.00	\$153.00 (MRX)	\$306.00
92	10/15/10	Revise discovery issues raised in Rodríguez I and Rodríguez II claims. Research regarding stay on discovery in light of motions to dismiss for lack of jurisdiction and insufficiency of pleadings; draft Motion to Stay Discovery Until Resolution on Motion to Dismiss; Review plaintiff's motion for leave to file separate discovery plan.	7.00	\$102.00 (ACG)	\$714.00
93	10/15/10	Meet with Andrés C. Gorbea and review case pleadings in Rodríguez I and II to identify court orders regarding electronic discovery in support of defendant's request to stay discovery until resolution of defendants' motion to dismiss.	0.50	\$93.50 (EBB)	\$46.75
94	10/15/10	Review letter sent by Andrés Gorbea, Esq. to William Meléndez, Esq. re Rule 26 Initial Disclosures	0.40	\$175.00 (SC)	\$70.00
95	10/16/10	Revise draft on Motion to Stay Discovery	1.00	\$153.00 (MRX)	\$153.00
96	10/17/10	Revise final draft and file motion to stay discovery until resolution of motion to dismiss and request for hearing.	1.50	\$102.00 (ACG)	\$153.00
97	10/18/10	Review motions filed and docket.	0.50	\$175.00 (SC)	\$87.50
98	10/19/10	Review plaintiff's motion for default judgment for noncompliance with discovery plan.	0.25	\$102.00 (ACG)	\$25.50
99	10/19/10	Review plaintiff's motion for entry of default judgment and evaluate strategy to follow.	0.50	\$153.00 (MRX)	\$76.50
100	10/21/10	Review orders issued by Bankruptcy Court denying plaintiff's motion to file separate discovery plan and Plaintiff's motion for default judgment, and granting defendant's motion to stay discovery until resolution on the motion to dismiss.	0.25	\$102.00 (ACG)	\$25.50
101	10/25/10	Research and review available case law regarding production of litigation hold letter in preparation to draft memorandum of law concerning same.	2.00	\$93.50 (EBB)	\$187.00
102	11/01/10	Review plaintiff's opposition to GDB's motion to dismiss and evaluate strategy to follow on Reply.	1.75	\$102.00 (ACG)	\$178.50

	<u>Date</u>	<u>Description</u>	<u>Time (h/m)</u>	<u>Rate</u>	<u>Total (Time * Rate)</u>
103	11/01/10	Review plaintiff's Opposition to Motion to Dismiss; evaluate Reply strategy.	1.50	\$153.00 (MRX)	\$229.50
104	11/03/10	Review email from Mariela Rexach regarding deadline to file joint proposed pretrial order; analysis of deadline to file joint proposed pretrial order in light of continuation of pretrial scheduling conference; draft email to Mariela Rexach regarding same.	0.50	\$102.00 (ACG)	\$51.00
105	11/04/10	Review plaintiff's opposition to motion to dismiss in order to identify issues to be replied to.	1.75	\$102.00 (ACG)	\$178.50
106	11/05/10	Complete analysis of plaintiff's opposition to motion to dismiss to identify arguments for reply; review co-defendants answers to discovery requests made in previous cases involving plaintiff; draft motion for leave to file reply to plaintiff's opposition to motion to dismiss.	3.75	\$102.00 (ACG)	\$382.50
107	11/05/10	Meet with Andrés C. Gorbea to discuss strategy to follow in reply to plaintiff's opposition to request for dismissal of her claims. Review defendants' answers to discovery request in Vicky I and II in support of same.	0.50	\$93.50 (EBB)	\$46.75
108	11/08/10	Conference with Mariela Rexach regarding reply to plaintiff's opposition to motion to dismiss; draft, revise and file motion for leave to file reply and request for extension of time.	0.75	\$102.00 (ACG)	\$76.50
109	11/12/10	Review plaintiff's Opposition to Motion to Dismiss and evaluate strategy to follow regarding drafting reply.	2.50	\$153.00 (MRX)	\$382.50
110	11/12/10	Conference with Mariela Rexach regarding recent events in bankruptcy cases and strategy to follow.	0.50	\$102.00 (ACG)	\$51.00
111	11/15/10	Analyze case-law cited by plaintiff regarding jurisdiction and standing; draft reply arguments related to plaintiff's lack of jurisdiction and lack of standing; analyze summons issued by clerk to Guillermo Camba and Enid López; analyze applicable rules to determine Guillermo Camba and Enid López' deadline to answer to complaint; conference with Mariela Rexach regarding same.	2.50	\$102.00 (ACG)	\$255.00
112	11/16/10	Research regarding issues about standing and jurisdiction raised by plaintiff in her opposition to the motion to dismiss in preparation to draft reply.	2.50	\$102.00 (ACG)	\$255.00
113	11/16/10	Review order granting motion for leave to reply and extension of time filed by A. Gorbea.	0.10	\$175.00 (SC)	\$17.50

	<u>Date</u>	<u>Description</u>	<u>Time</u> (h/m)	<u>Rate</u>	<u>Total</u> (Time * Rate)
114	11/17/10	Review summons service executed filed by plaintiff regarding Enid López and Guillermo Camba; conference with Guillermo Camba regarding his lack of receipt of summons; draft reply arguments regarding lack of standing and lack of jurisdiction.	3.50	\$102.00 (ACG)	\$357.00
115	11/17/10	Draft reply to Opposition to Motion to Dismiss.	5.50	\$153.00 (MRX)	\$841.50
116	11/18/10	Review correspondence sent by Enid López confirming receipt of summons and copy of complaint.	0.25	\$102.00 (ACG)	\$25.50
117	11/18/10	Revise and finalize Reply to Opposition to Motion to Dismiss.	2.50	\$153.00 (MRX)	\$382.50
118	11/18/10	Revise reply to plaintiff's opposition to motion to dismiss.	0.50	\$102.00 (ACG)	\$51.00
119	11/19/10	Draft affidavit of noncompliance and motion submitting it.	1.50	\$102.00 (ACG)	\$153.00
120	11/23/10	Conference with Mariela Rexach regarding strategy for Pretrial Scheduling Conference.	0.50	\$102.00 (ACG)	\$51.00
121	11/23/10	Conference with Andrés C. Gorbea in preparation for pretrial conference with the Bankruptcy Court.	0.75	\$153.00 (MRX)	114.75
122	11/24/10	Analysis of legal docket report of Vicky Rodríguez main bankruptcy case to identify relevant events; draft table with results of analysis in preparation for Pretrial Scheduling Conference.	4.00	\$102.00 (ACG)	\$408.00
123	11/29/10	Analysis of complaint, motion to dismiss, opposition to motion to dismiss and reply to opposition in preparation for pre-trial scheduling conference.	2.00	\$102.00 (ACG)	\$204.00
124	11/29/10	Review motions filed in case and prepare for hearing.	1.00	\$175.00 (SC)	\$175.00
125	11/30/10	Conference call with Mariela Rexach and Sonia Colón regarding strategy for Pre-Trial Scheduling Conference.	2.50	\$102.00 (ACG)	\$255.00
126	11/30/10	Prepare for status conference; telephone conference with Sonia Colón and Andrés Gorbea regarding strategy to follow.	4.00	\$153.00 (MRX)	\$612.00
127	12/01/10	Attend Pretrial Scheduling Conference at Bankruptcy Court.	2.00	\$102.00 (ACG)	\$204.00
128	12/01/10	Appearance at hearing before the Bankruptcy Court; evaluate strategy to follow regarding appearance on behalf of Enid López and Guillermo Camba	2.75	\$153.00 (MRX)	\$420.75

	<u>Date</u>	<u>Description</u>	<u>Time (h/m)</u>	<u>Rate</u>	<u>Total (Time * Rate)</u>
129	12/01/10	Prepare for and attend telephonic hearing in the adversary proceeding. Telephone conference with M. Rexach re same.	0.90	\$175.00 (SC)	\$157.50
130	12/06/10	Revise motion joining Motion to Dismiss to be filed on behalf of E. López and G. Camba.	0.75	\$153.00 (MRX)	\$114.75
131	12/06/10	Research applicable rule which allows to incorporate by reference arguments set forth in other motions; draft motion to join motion to dismiss (Guillermo Camba & Enid López)	0.75	\$102.00 (ACG)	\$76.50
<b>TOTAL ATTORNEYS' FEES<sup>1</sup></b>					<b>\$34,040.57</b>

1.

<b>Attorney's Name</b>	<b>Initials</b>	<b>Experience</b>	<b>Rate per hour</b>	<b>Total Hours</b>	<b>Total amount</b>
Mariela Rexach - Partner	MRX	13 years	\$ 153.00	71.25	\$11,207.25
Rafael E. Aguiló Vélez	REA	20 years	\$161.50	1.5	\$242.25
Lourdes Hernández - Jr. Partner	LCH	12 years	\$127.50	3.75	\$478.12
Andrés C. Gorbea - Associate	ACG	3 years	\$102.00	151.25	\$15,427.50
Erika Berrios - Associate	EBB	2 years	\$93.50	4.25	\$397.37
Keyla Gándara Umpierre	KGU	1 year	\$85.00	5.25	\$446.25
Roberto Caratinni - Paralegal	RCR	n/a	\$55.26	1.25	\$69.08
Sonia Colón - External Counsel	SC	13 years	\$175.00	21.5	\$3,762.50
Sonia Colón - External Counsel	SC	13 years	\$150.00	13.4	\$2,010.00
<b>TOTAL ATTORNEYS' FEES</b>					<b>\$34,040.57</b>

## B. COSTS AND EXPENSES

<u>Date</u>	<u>Description</u>	<u>Amount</u>
October 2010	Online research	\$107.00
October 13, 2010	Telephone - Conferencing Services	\$97.13
October 13, 2010	Telephone - Conferencing Services	\$97.13
October 13, 2010	Telephone - Conferencing Services	\$97.13
October 13, 2010	Telephone - Conferencing Services	\$97.13
October 13, 2010	Telephone - Conferencing Services	\$97.13
December 1, 2010	Telephone - CourtCall, Court Conf. ID# 3885769	\$25.00
<b>TOTAL COSTS AND EXPENSES</b>		<b>\$617.65</b>

3. With respect to the five charges of \$97.13, the same correspond to the five (5) different occasions in which the Rule 26 conference held on October 13, 2010 was interrupted due to "technical difficulties" that plaintiff's counsel was allegedly experiencing at his location. Each time the conference was resumed, defendants had to incur in a new conference service charge. See Exhibit 1.

4. With respect to the Court Call charge of \$25.00, the same corresponds to the cost of Sonia Colón's telephonic appearance at the hearing held on December 1, 2010.

5. Through its Opinion and Order, this Honorable Court made clear that the fees and expenses were to be imposed under Rule 9011 of the Federal Rules of Bankruptcy Procedure. Consequently, defendants respectfully submit that, both plaintiff and her attorney, William Meléndez Menéndez, are responsible of paying for the attorneys' fees and expenses listed above.

6. In view of the foregoing, defendants respectfully request this Honorable Court to order plaintiff and her attorney, William Meléndez, to pay a total of **\$34,658.22**, as detailed above, corresponding to attorney's fees in the amount of **\$34,040.57** and expenses in the amount of **\$617.65**, necessarily incurred in defending this adversary proceeding. If necessary, defendants are amenable to submitting, under seal, the invoices related to the entries listed in the above table.

**WHEREFORE**, defendants respectfully request this Honorable Court to order plaintiff and her attorney to pay defendants a total of **\$34,658.22** corresponding to attorney's fees in the amount of **\$34,040.57** and expenses in the amount of **\$617.65**, necessarily incurred in defending this adversary proceeding.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 11<sup>th</sup> day of February 2011.

**CERTIFICATE OF SERVICE:**

IT IS HEREBY CERTIFIED that on this same date, the foregoing was filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to CM/ECF participants, and caused it to be served on the next business day via a third party court authorized noticing provider BK Attorney Services to: William Meléndez, Esq., 410 Park Avenue 15th Floor #1223, New York, NY 10022.

**SCHUSTER AGUILÓ LLP**  
PO Box 363128  
San Juan, Puerto Rico 00936-3128  
Tel: (787) 765-4646; Fax: (787) 765-4611

**SONIA COLÓN LAW OFFICES, P.A.**  
P.O. Box 621597  
Orlando, Florida 32862-1597  
Telephone: 407-574-8272  
Facsimile: 888-537-4536

s/ Andrés C. Gorbea Del Valle  
**Andrés C. Gorbea Del Valle**  
USDC PR No. 226313  
[agorbea@salawpr.com](mailto:agorbea@salawpr.com)

s/ Sonia E. Colón  
**SONIA E. COLÓN**  
USDC PR No. 213809  
[sonia@soniacolonlaw.com](mailto:sonia@soniacolonlaw.com)

**Andrés Gorbea**

**From:** William E. Melendez - Attorney at Law [we.melendez@e-lex.us]  
**Sent:** Wednesday, October 13, 2010 4:58 PM  
**To:** Andrés Gorbea; soniae colon@gmail.com  
**Subject:** RE: Rule 26 Conference - Adversary Proc. Nos. 10-00137 and 10-00139

The call went dead from my end. I'm trying to call back, but unable to get through.

You can try to reach me from your side, at 718.725.7387, please.

William

---

**From:** Andrés Gorbea [mailto:[AGorbea@salaawpr.com](mailto:AGorbea@salaawpr.com)]  
**Sent:** Tuesday, October 12, 2010 5:23 PM  
**To:** [we.melendez@e-lex.us](mailto:we.melendez@e-lex.us); [soniae colon@gmail.com](mailto:soniae colon@gmail.com); Lourdes Hernández  
**Cc:** Mariela Rexach  
**Subject:** Rule 26 Conference - Adversary Proc. Nos. 10-00137 and 10-00139

Dear counsel Meléndez:

I hereby confirm our telephonic conversation held today in which we agreed that the Rule 26 conferences regarding the adversary proceedings of reference will take place tomorrow Wednesday October 13, 2010 at 4:15 pm. As agreed, you should call the conference line of attorney Sonia Colón, tomorrow at 4:15 p.m., at the following number 1-866-502-8312 (participant passcode 892103).

Thank you.

Andrés C. Gorbea  
[agorbea@salaawpr.com](mailto:agorbea@salaawpr.com)  
Switchboard: (787) 765-4646

**SCHUSTER**  
AGUILÓ LLP

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## Andrés Gorbea

---

**From:** William E. Melendez - Attorney at Law [we.melendez@e-lex.us]  
**Sent:** Wednesday, October 13, 2010 5:21 PM  
**To:** Andrés Gorbea  
**Subject:** RE: Rule 26 Conference - Adversary Proc. Nos. 10-00137 and 10-00139

Disculpen.

Me volví a caer. Estoy tratando de entrar de nuevo . . . .

Gracias por su paciencia.

---

**From:** Andrés Gorbea [mailto:[AGorbea@salaawpr.com](mailto:AGorbea@salaawpr.com)]  
**Sent:** Tuesday, October 12, 2010 5:23 PM  
**To:** [we.melendez@e-lex.us](mailto:we.melendez@e-lex.us); [soniae colon@gmail.com](mailto:soniae colon@gmail.com); Lourdes Hernández  
**Cc:** Mariela Rexach  
**Subject:** Rule 26 Conference - Adversary Proc. Nos. 10-00137 and 10-00139

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Thank you.

Andrés C. Gorbea  
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## Andrés Gorbea

---

**From:** William E. Melendez - Attorney at Law [we.melendez@e-lex.us]  
**Sent:** Wednesday, October 13, 2010 5:22 PM  
**To:** Andrés Gorbea  
**Subject:** RE: Rule 26 Conference - Adversary Proc. Nos. 10-00137 and 10-00139

Si tienen disponibilidad a AIM, podemos continuar por ese mecanismo . . . sigo tratando . . .

---

**From:** Andrés Gorbea [mailto:[AGorbea@salaawpr.com](mailto:AGorbea@salaawpr.com)]  
**Sent:** Tuesday, October 12, 2010 5:23 PM  
**To:** [we.melendez@e-lex.us](mailto:we.melendez@e-lex.us); [soniae colon@gmail.com](mailto:soniae colon@gmail.com); Lourdes Hernández  
**Cc:** Mariela Rexach  
**Subject:** Rule 26 Conference - Adversary Proc. Nos. 10-00137 and 10-00139

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Thank you.

Andrés C. Gorbea  
[agorbea@salaawpr.com](mailto:agorbea@salaawpr.com)  
Switchboard: (787) 765-4646

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## **Andrés Gorbea**

---

**From:** William E. Melendez - Attorney at Law [we.melendez@e-lex.us]  
**Sent:** Wednesday, October 13, 2010 5:33 PM  
**To:** Andrés Gorbea  
**Subject:** RE: Rule 26 Conference - Adversary Proc. Nos. 10-00137 and 10-00139

De nuevo.

El edificio está experimentando cambios de voltaje, que sospecho están interfiriendo con la llamada. No tengo señal para una unidad móvil.

Creo que estamos listos para cerrar. Si ese así, déjenme saber si les falta algo más por cubrir. Mientras, sigo tratando . . .

---

**From:** Andrés Gorbea [mailto:[AGorbea@salaawpr.com](mailto:AGorbea@salaawpr.com)]  
**Sent:** Tuesday, October 12, 2010 5:23 PM  
**To:** [we.melendez@e-lex.us](mailto:we.melendez@e-lex.us); [soniae colon@gmail.com](mailto:soniae colon@gmail.com); Lourdes Hernández  
**Cc:** Mariela Rexach  
**Subject:** Rule 26 Conference - Adversary Proc. Nos. 10-00137 and 10-00139

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Thank you.

Andrés C. Gorbea  
[agorbea@salaawpr.com](mailto:agorbea@salaawpr.com)  
Switchboard: (787) 765-4646

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## Andrés Gorbea

---

**From:** William E. Melendez - Attorney at Law [we.melendez@e-lex.us]  
**Sent:** Wednesday, October 13, 2010 5:44 PM  
**To:** Andrés Gorbea  
**Subject:** RE: Rule 26 Conference - Adversary Proc. Nos. 10-00137 and 10-00139

A las 6:00 trato de nuevo.

De todos modos, me quedé en la interrogante sobre electronic discovery.

Como decía, dentro de Exchange, los Log Files, Journaling Files, Databaes, Organizational architecture, Security and Access definitions.

Mis disclosure te van a dar una mejor idea, ya que la documentación técnica comprende en gran parte los mismos.

---

**From:** Andrés Gorbea [mailto:[AGorbea@salaawpr.com](mailto:AGorbea@salaawpr.com)]  
**Sent:** Tuesday, October 12, 2010 5:23 PM  
**To:** [we.melendez@e-lex.us](mailto:we.melendez@e-lex.us); [soniae colon@gmail.com](mailto:soniae colon@gmail.com); Lourdes Hernández  
**Cc:** Mariela Rexach  
**Subject:** Rule 26 Conference - Adversary Proc. Nos. 10-00137 and 10-00139

Dear counsel Meléndez:

I hereby confirm our telephonic conversation held today in which we agreed that the Rule 26 conferences regarding the adversary proceedings of reference will take place tomorrow Wednesday October 13, 2010 at 4:15 pm. As agreed, you should call the conference line of attorney Sonia Colón, tomorrow at 4:15 p.m., at the following number 1-866-502-8312 (participant passcode 892103).

Thank you.

Andrés C. Gorbea  
[agorbea@salaawpr.com](mailto:agorbea@salaawpr.com)  
Switchboard: (787) 765-4646

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COUNSELORS OF LAW  
**AGUILÓ LLP**

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## Andrés Gorbea

---

**From:** William E. Melendez - Attorney at Law [we.melendez@e-lex.us]  
**Sent:** Wednesday, October 13, 2010 6:49 PM  
**To:** Andrés Gorbea; soniae colon@gmail.com  
**Subject:** RE: R.26 Conference - Adversaries 10-00137 and 10-00139

Voy a hacer otro intento de entrar, si hubiera cualquier inconveniente sugiero comunicarnos mañana.

Aunque deferimos en cuanto a nuestras posiciones sustantivas, creo que ambos podemos estar conformes en que cumplimos con la formalidad propuesta.  
¿correcto?

---

**From:** Andrés Gorbea [mailto:[AGorbea@salaawpr.com](mailto:AGorbea@salaawpr.com)]

**Sent:** Wednesday, October 13, 2010 6:44 PM  
**To:** William E. Melendez - Attorney at Law  
**Cc:** [soniae colon@gmail.com](mailto:soniae colon@gmail.com)  
**Subject:** R.26 Conference - Adversaries 10-00137 and 10-00139

William:

Your line failed again. We'll wait five minutes to see whether you call back. If not, we shall consider that the conference is over. As agreed, we'll send you our Rule 26 disclosures and the draft of the Discovery Plan.

Thank you.

Andrés C. Gorbea  
[agorbea@salaawpr.com](mailto:agorbea@salaawpr.com)  
Switchboard: (787) 765-4646

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copying, distribution or the taking of any action in reliance on the contents of such information is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone, or return e-mail. Thank you.

## Andrés Gorbea

---

**From:** William E. Melendez - Attorney at Law [we.melendez@e-lex.us]  
**Sent:** Wednesday, October 13, 2010 7:34 PM  
**To:** Andrés Gorbea; soniaecolon@gmail.com  
**Subject:** Rule 26 Disclosures

The electricity spikes I'm experiencing in my building are not due to atmospheric conditions, and appear to be something more serious, as I just realized. I will need to shut down to avoid any loss of work, and continue putting together our disclosures tomorrow morning, and hope the condition is rectified by then.

Consequently, it will take me an additional day to complete the task, from my original estimate.

The above should have no impact in our October 15<sup>th</sup> deadline, set by the Court.

William